

GEORGE A. MILLER AND GEORGE L. MALONEY.

LETTER

FROM

THE SECRETARY OF WAR,

IN RELATION TO

The claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services, and for horse, &c., lost; also, the claim of George L. Maloney for pay as first lieutenant Company C, Sixth Tennessee Volunteers.

JUNE 19, 1874.—Referred to the Committee on Claims and ordered to be printed.

WAR DEPARTMENT, May 16, 1874.

The Secretary of War has the honor to report to the House of Representatives, for the information of the Committee on Military Affairs, in reply to letter of said committee of the 2d instant, requesting information in regard to claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services, and for horse, &c, lost; also, concerning claim of George L. Maloney for pay as first lieutenant Company C, Sixth Tennessee Volunteers, from August 14 to October 1, 1864, that in the case of George A. Miller the records of the Adjutant-General's Office furnish no evidence of commission, or of any service whatever rendered by him as an officer, prior to June 1, 1864, date of his muster in as second lieutenant Thirteenth Tennessee Cavalry. It appears that while in process of completion the Twelfth Tennessee Cavalry was, by order of the adjutant-general of Tennessee, dated January 6, 1864, consolidated with the Seventeenth Tennessee Cavalry, also being organized at that time, and became the Thirteenth Tennessee Cavalry. Company L, Twelfth Tennessee Cavalry, was completed and mustered in on April 11, 1864, (enrolled from September 2, 1863, to April 11, 1864,) on which date Henry H. Harmer is reported as mustered in with it as first lieutenant; so, apart from the fact that the rolls fail to show service, it does not appear that a vacancy existed for him in said company. There was subsequently in 1864 an organization mustered into the service, and known as the Twelfth Tennessee Cavalry. The claim of Miller, as of the Twelfth Tennessee Cavalry, previously presented to this Department, was rejected, under the joint resolution of Congress approved July 11, 1870, by letter from here dated July 13, 1872. (Copy herewith.)

In the case of George L. Maloney a full report was made March 3, 1874. (See House Executive Document 170.)

WM. W. BELKNAP.

Secretary of War.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 13, 1872.

SIR: Referring to your claim for pay from November 8, 1863, to May 25, 1864, as first lieutenant Twelfth Regiment Tennessee Cavalry Volunteers, under the "joint resolution (approved July 11, 1870) amendatory of 'joint resolution for the relief of certain officers of the Army,' approved July 26, 1866," you are respectfully informed that it has been rejected.

Section 3 of the said joint resolution is as follows:

That this resolution shall not be construed to apply to cases in which, under the laws and Army regulations existing at the time, there could have been no lawful muster into service even after the actual receipt of the commission.

"The laws and Army regulations existing at the time," under which "there could have been no lawful muster into service," are, in your case, as follows:

I. The act of Congress, approved July 22, 1861, authorizing the employment of volunteers.

That act made binding upon the volunteers the "rules and regulations governing the Army of the United States."

II. W. D. G. O. No. 48, of 1863.

Under that order no person could be mustered into service as a commissioned officer until after the receipt of his commission or appointment; and thereafter, in order to be mustered it had to appear from record-evidence that he entered upon duty under the said commission or appointment. The official records of the Twelfth Tennessee Cavalry fail to furnish any evidence of any service whatever rendered by you as an officer of that organization, your name failing to appear upon the duly-certified rolls of that regiment on file in this office.

Very respectfully, &c.,

E. D. TOWNSEND,
Adjutant-General.

Mr. GEO. A. MILLER,
*Late Lieutenant Thirteenth Tennessee Cavalry,
through Second Auditor Treasury, Washington, D. C.*

Official copy:

THOMAS M. VINCENT,
Assistant Adjutant-General.